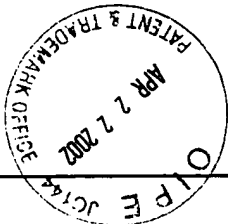


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COPY OF PAPERS
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April 11, 2002

Assistant Commissioner for Patents
United States Patent & Trademark Office
Washington, D.C. 20231

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MAY 17 2002

TECHNOLOGY CENTER 2800
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APR 26 2002
TECHNOLOGY CENTER 2800

Re: *Petition to Make Special*

U.S. Application No.:

09/674,714

Title:

Unit Comprising a Card Read/Write Device

National Filing Date:

12/19/2000

Art Unit:

2876

Inventor:

Bjarke De Jaeger Gotfredsen

Dear Sir or Madam:

The applicant respectfully submits this petition to make the above-referenced application special pursuant to MPEP 708.02(II). Pursuant to 37 C.F.R. 1.17(h), a check for \$130.00 is enclosed herewith.

Background

The above-referenced application generally relates to a media communication or other peripheral device integrated with a mouse pad. This application claims priority from a Danish utility model application, with a priority date of May 15, 1998.

The applicant recently filed a preliminary amendment, adding new claims. See *Preliminary Amendment dated February 28, 2002*.

Prior Art Search

As required by MPEP 708.02(II)(c), applicant has caused a "careful and thorough" prior art search to be made. In particular, the applicant has received a PCT International Search Report (Exhibit A hereto) and PCT International Preliminary Examination report (Exhibit B hereto) on the invention claimed in the present application. (See also IDS, Exhibit C hereto). A copy of the only reference revealed through the search report is attached hereto as Exhibit D, with an explanation of the limited relevance of this document provided in the preliminary examination report, Exhibit B. (See also Exhibit A, noting that the cited reference is a "document defining the general state of the art which is not considered to be of particular relevance").

As the International Preliminary Examination report concludes, "[n]one of the available documents suggests a **pad** comprising a read/write device." (Exh. B, emphasis in original). Since a search has been conducted, and no prior art has been revealed that would prevent patent eligibility under either 35 U.S.C. § 102 or § 103, applicant submits that the requirements of MPEP 708.02(II)(c) have been met.

Assistant Commissioner for Patents
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Infringing Products

There are two infringing products currently available on the market.

Mysmart.pad

The first product is the "mysmart.pad" from mysmart.com. The applicant purchased a sample of this product from a CompUSA store in Golita, California on or about October 4, 2001. The applicant encloses a copy of the manual that came with the product as Exhibit E hereto, and in particular directs the PTO's attention to the drawing on the front page (showing the card/read write device integrated with the mouse pad), the drawing on page 5, the text and drawing on pages 6 and 7, the definition of "mysmart card" on page 11, and the definition of "smart card" on page 12. Pursuant to MPEP 708.02(II), the applicant does not submit the sample infringing product with this letter, but stands ready to do so upon request.

A rigid comparison has been made between the mysmart.pad product and the claims of this patent application, and in the opinion of the undersigned, some of the claims of the patent have unquestionably been infringed. In particular, the mysmart.pad product includes a smart card read/write device integrated into a mouse pad, with a cable for communicating with a computer, and therefore unquestionably infringes claims 1-4, 6, 8, 9, 11, 13, 18, 23, 24, 27, and 31. Additionally, because the mysmartpad.com product also includes a mouse pad with text and graphical images on the exterior surfaces, it also infringes claims 25, 26, 29, 30, and 32.

The applicant understands that the mysmart.pad product is currently being sold through CompUSA's web site, www.compusa.com.

SmartCard Reader Pad

The second product is the "SmartCard Reader Pad," available for sale on the internet at www.bettermousepads.com. A printout from that internet page is attached hereto as Exhibit F.

A rigid comparison has been made between the SmartCard Reader Pad product and the claims of this patent application, and in the opinion of the undersigned, some of the claims of the patent application have unquestionably been infringed. In particular, the SmartCard Reader Pad includes a smart card "reader" integrated into a mouse pad, with a cord for communicating with a computer, and therefore unquestionably infringes claims 8, 9, 11, 23, 24, and 31. Additionally, because the SmartCard Reader Pad product also includes a mouse pad with text and graphical images on the exterior surfaces, it also infringes claims 25, 26, 29, 30, and 32.

Assistant Commissioner for Patents
April 11, 2002
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* * *

Since all the requirements under MPEP 708.02(II) have been met, the applicant respectfully requests accelerated examination.

Sincerely,

Daniel P. Maguire

Daniel P. Maguire
(Reg. No. 41,506)

Enclosures

cc: Client

Certification under 37 § C.F.R. § 1.8

I hereby certify that this transmittal letter and all the documents referred to as enclosed therein are being transmitted by U.S. mail to Assistant Commissioner for Patents, United States Patent and Trademark Office, Washington D.C. 20231, on April 12, 2002.

Daniel P. Maguire
Daniel P. Maguire